

REMARKS

Claims 1-14, 24-26, 28-30, and 55-56 are pending and appear in this application for the Examiner's review and consideration. Claims 2, 4, and 28 are currently amended. Claims 15-23, 27, 31-54, and 57-65 are cancelled, with claims 46-52, and 57-65 being cancelled by this amendment. Claims 6-14 and 55-56 are withdrawn from consideration based on a restriction requirement. The amendments are being made solely to expedite prosecution of the present application and to reduce issues for appeal, and do not constitute an acquiescence to any rejection by the Examiner. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent application. As no new matter is introduced, entry of the amendments at this time is respectfully requested.

Claim 2 is amended to depend from claim 1, and claims 4 and 28 are amended consistent with this change. As such, all pending dependent claims, including previously withdrawn claims 6-14 and 55-56, now depend, directly or indirectly, from claim 1. Since claim 1 is indicated to be in condition for allowance, all claims are believed to be in condition for allowance, for incorporating the patentable features of claim 1 as well as including additional patentable features. Withdrawn claims 6-14 and 55-56 should be rejoined for examination and allowed with the rest of the claims.

In view of the amendments, all outstanding rejections are moot or should be withdrawn.

In particular, in the final Office Action, claims 2-5, 24-30, and 46-52 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the recitation of "replication-deficient NDV" in claims 2, 46 and 50 and the claims depending therefrom is not supported by the specification as originally filed. Regarding claim 27 and the claims depending therefrom, the Examiner stated that the recitation "composition comprises a lentogenic oncolytic strain of NDV" is not supported by the specification as originally filed. The Examiner also rejected claims 46 and 50 with respect to the recitations of the terms "analog" and "subunit."

However, the recitation of "replication-deficient NDV" is deleted from amended claim 2, which now depends from claim 1. Claims 27, 46, 50 and claims depending therefrom are cancelled. Accordingly, all rejections under 35 U.S.C. §112, first paragraph, for written description are now moot.

Claims 4, 5, and 28-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. As explained in the previous Amendment dated June

13, 2006, a deposit of HUI has been made in the European Collection of Cell Cultures (ECACC) in United Kingdom under the terms of the Budapest Treaty. Applicants submit herewith a statement by an attorney of record stating that the invention will be irrevocably and without restriction released to the public upon issuance of a patent. The specification is also amended to recite the date of the deposit and the complete name and address of the depository. Accordingly, this rejection should be withdrawn.


Claims 2, 3, 24-26, and 46-52 are rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Publication No. US 2003/0077819 to Groene et al. ("Groene"). This rejection is moot in view of the amendments to the claims.

In view of the above, the entire application is believed to be in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree that all claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Respectfully submitted,

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